

REMARKS

Claims 1, 3, and 5-15 are presented for further examination. Claims 1, 3, 5, 8, and 12 have been amended. Claim 2 has been canceled in this amendment.

In the Office Action mailed May 26, 2009, the Examiner rejected claims 1-5 and 8 under 35 U.S.C. § 112, second paragraph, as indefinite because of method limitations or statements in the device and system claims. Claims 6, 7, and 9-11 were rejected as indefinite on the basis of their dependency from claims 5 and 8. Claims 1-15 were rejected under 35 U.S.C. § 103(a) as obvious over previously-cited Issacman et al. (U.S. Patent No. 6,127,928) in view of previously-cited Streetman (U.S. Patent Publication No. 2004/0054570), and further in view of newly-applied U.S. Patent Publication No. 2003/0014143 ("Kato et al."). Claims 12-15 were rejected under 35 U.S.C. § 103(a) as obvious over Issacman in view of Streetman, in view of newly-applied U.S. Patent No. 4,418,411 ("Strietzel"), and further in view of newly-applied U.S. Patent No. 5,525,967 ("Azizi et al.").

Applicants respectfully request reconsideration and further examination of the claims.

Section 112 Rejections

Applicants have amended independent claims 1, 3, 5, and 8 to overcome this rejection as best understood. More particularly, applicants are not claiming the steps of the method, such as the method recited in claim 12, in independent claims 1, 3, 5, and 8. Rather, it is the devices that are configured to perform such steps. These devices include the transponders, the transceivers, and the routing devices. Recitation of their function is not intended to recite a method step per se. In view of the foregoing amendments, applicants respectfully submit that the claims remaining in this application are in compliance with requirements of section 112, second paragraph.

Claim Rejections

Independent device claim 1, system claims 3, 5, and 8, and method claim 12 now all recite, *inter alia*, the routing of the article or deliverable on the basis of routing information

and control signals communicated from the transponder to the transceiver and thence to a routing device (in claim 8 and claim 12) without reference to a database, such as a linked database to the transceiver or routing device. Rather, sorting and routing is all done in response to the control signals that are issued from the transponder based on the routing information stored therein.

As previously argued, Issacman et al., U.S. Patent No. 6,127,928, is directed to a method and apparatus for locating and tracking documents and other objects in which identification tags are read and codes therefrom are utilized to track documents, for example, as they leave an area and move to a new location. (See Issacman et al., col. 13, line 66 through col. 14, line 7.) Issacman et al. specifically disclose the use of “a database” that “is maintained containing identification codes and other data characteristic of the particular documents or files. Access to the database may be controlled by user access codes so that only authorized users (those with a ‘need-to-know,’ etc.) may retrieve information from the database, implementing a hierarchical or other type security system” (See Issacman et al., col. 8, lines 26-35.) Issacman et al. further states that “such database and usage and user access control and the like (and other features described herein) may be combined for various advantageous applications in accordance with the present invention.”

There is no teaching or suggestion in Issacman et al. of storing and retrieving sorting and routing information for a device to be delivered. Rather, Issacman et al. merely track the location of a file and do not provide any routing or storing information to the user. Moreover, Issacman et al. is linked to a database that contains the identification codes and other data that enables identification of the documents that are read by the host transceiver.

Streetman similarly utilizes a routing data database 118 (shown in Figure 1) that is linked via the computer network 120 to a variety of databases, including shipment order database 104, consignee database 106, item database 108, and shipment resource database 110. (See Streetman, ¶¶ 19-20, as well as subsequent paragraphs.) There is no teaching or suggestion in Streetman of relying solely upon control signals generated from routing information stored in the transponder for sorting and routing deliverables.

Kato et al. utilizes a label reader that receives information from a label via RF query signals, which information is transmitted “to a main computer.” (See Abstract, as well as

¶¶ 3, 20, and 24.) More particularly, it is the host computer 310 that controls the selection of items that are to be delivered by various methods or to various locations, such as by overnight air delivery (¶ 28) or to be sorted by zip code (¶ 29). “Thus, the first label reader may be instructed to pick up or select items whose addresses have zip codes starting with a 0, the second label reader 334(2) may be instructed to pick up or select items with addresses whose zip code starts with 1 and so on.” (See ¶ 29.) Hence, the label readers are accessed by the host computer 310 and do not rely solely on the information stored in the labels on the packages.

For example, paragraph 28 states “the label readers in the first stage may, for example, receive instructions from the host computer 310 to sort the packages or items according to the delivery instruction classifications, such as overnight air, second day air, and ground delivery.” Recorders 60 used in the system preferably include “a transmitter whereby information, including information read by reader 62 and that input by the delivery person, may be transmitted to a main computer center 70 through wireless communication, such as through radio frequency signals 72.” Delivery persons “use readers 62 to read the labels on the packages they are delivering and use the recorders 60 to send such and other information to center 70 through signals 72 while such persons are on route between the outlets 52 and hubs 80.”

In paragraph 23, Streetman describes the delivery of the packages to a local hub 80 where the labels are read and packages sorted in accordance with delivery classification, zip codes, cities, delivery class, and so on. The sorting process is described in detail with respect to Figure 4, where, as described above, the host computer 310 instructs the label readers on which information to use for sorting the packages.

Thus, any combination of Issacman et al., Streetman, and Kato et al. fails to teach or suggest routing a deliverable along a delivery path utilizing information from a transponder received at a transceiver and without reference to a linked database by the transceiver or the routing device.

The present claimed device and system is clearly more simplified than that disclosed by either of the three references in that the transceiver and routing device operate independently, thus enabling them to be stationed remotely and without having access to a main or host computer.

Also, as before, Issacman et al. does not address routing and Streetman does not address using RFID technology. Neither reference addresses the ability to store the routing information on the tag because both of these references rely heavily on databased approaches. In other words, a larger system “look-up table” is required rather than the information used locally. Kato et al. also references a centralized system with respect to a host computer or main computer that is coupled to the transceivers. Applicant further notes that none of the references discuss or disclose the storing of purchase price or cost information along with sorting and routing information.

In view of the foregoing, applicant respectfully submits that independent claims 1, 3, 5, 8, and 12, as well as all claims depending therefrom, are clearly allowable over the combination of references cited by the Examiner inasmuch as the combination of these references fails to teach or suggest the claimed combination recited in the above-mentioned claims.

Claim 12 and corresponding dependent claims 11-15 are directed to a method of routing and tracking deliverables that includes, *inter alia*, the receiving of routing information from the transponder at a transceiver and controlling a routing device with the control signals without reference to a database by the transceiver or routing device. Applicants respectfully submit that Claims 12-15 are allowable for the reasons discussed above with respect to claims 1, 3, 5, and 8.

In the event the Examiner disagrees or finds minor informalities that can be resolved by telephone conference, the Examiner is urged to contact the applicants’ undersigned representative by telephone at (206) 622-4900 in order to expeditiously resolve prosecution of this application. Consequently, early and favorable action allowing these claims and passing this case to issuance is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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